

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**DIGITAL VERIFICATION SYSTEMS,
LLC,**

Plaintiff,

vs.

BOX, INC.,

Defendant.

§
§
§
§
§
§
§
§
§
§
§

Case No: 6:22-cv-00523

PATENT CASE

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Digital Verification Systems, LLC (“Plaintiff” and/or “DVS”) files this Complaint against Box, Inc. (“Defendant” and/or “Box”) for infringement of United States Patent No. 9,054,860 (hereinafter “the ‘860 Patent”).

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company located at 1 East Broward Boulevard, Suite 700, Fort Lauderdale, FL 33301.

4. On information and belief, Defendant is a Delaware corporation with its principal office located at 900 Jefferson Ave, Redwood City, CA 94063. On information and belief, Defendant may be served through its registered agent, Corporation Service Company,

251 Little Falls Drive, Wilmington, New Castle, DE 19808; or Corporation Service Company d/b/a CSC – Layers Inco, 211 E. 7th Street, Suite 620, Austin, TX 78701.

5. On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. On information and belief, Defendant’s instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

VENUE

7. On information and belief, the venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant is deemed to reside in this District. Alternatively, acts of infringement are occurring in this District, and Defendant has a regular and established place of business in this District at, for example, 600 Congress Ave, Austin, TX 78701.

COUNT I
(INFRINGEMENT OF UNITED STATES PATENT NO. 9,054,860)

8. Plaintiff incorporates paragraphs 1 through 7 herein by reference.

9. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq.*

10. Plaintiff is the owner by assignment of the ‘860 Patent with sole rights to enforce the ‘860 Patent and sue infringers.

11. A copy of the ‘860 Patent, titled “Digital Verified Identification System and Method,” is attached hereto as Exhibit A.

12. The ‘860 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 1, of the ‘860 Patent by making, using (at least by having its employees, or someone under Defendant's control, test the accused Product), importing, selling, and/or offering for sale associated hardware and/or software for digital signature services (e.g., Box eSignature), and any similar products and/or services (“Product”) covered by at least Claim 1 of the ‘860 Patent. Defendant has infringed and continues to infringe the ‘860 patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

14. The Product provides a system for e-signing digital documents. The Product provides for digitally verifying the identification of a signer. Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

When you subscribe to any Box plan (Business or above), you can send unlimited documents for signature from the Box web app. Box Sign puts e-signatures right where your content lives, powering an easy, seamless signing experience right in the Content Cloud. Stop paying for e-signatures per document or user, and empower your entire organization with unlimited e-signatures for every Box user, at no added cost.

Source: <https://www.box.com/esignature>

It's possible to create electronic signatures in a few different ways, and if you're already using Box, you can both sign and request e-signatures without leaving the context of your content.. With Box Sign, creating an e-signature request is as easy as adding signature fields, designating who's signing, and sharing or saving the document. You can then request an e-signature from just about anyone with an email address, regardless of whether or not they are a Box user.

Source: <https://blog.box.com/how-to-create-an-electronic-signature>

Key features

Unlimited e-signatures

Send unlimited documents for signature from the Box web application (for Business plans and above).

Access from any device

Sign documents on desktop or mobile — no Box account required. Plus, Box Sign works with 40+ file types.

E-sign workflows

Handle complex workflows with serial and parallel document routing, along with a variety of recipient roles.

E-sign templates

Standardize fields and create reusable templates for repeatable processes.

Source: <https://www.box.com/esignature>

15. The Product includes at least one digital identification module structured to be associated with at least one entity. For example, the Product provides a module (e.g., the creation of an e-signature module for a user) to be associated with at least one entity (i.e., a user who needs to create an e-signature). Certain aspects of this element are illustrated in the

screenshot(s) below and/or in those provided in connection with other allegations herein.

It's possible to create electronic signatures in a few different ways, and if you're already using Box, you can both sign and request e-signatures without leaving the context of your content.. With Box Sign, creating an e-signature request is as easy as adding signature fields, designating who's signing, and sharing or saving the document. You can then request an e-signature from just about anyone with an email address, regardless of whether or not they are a Box user.

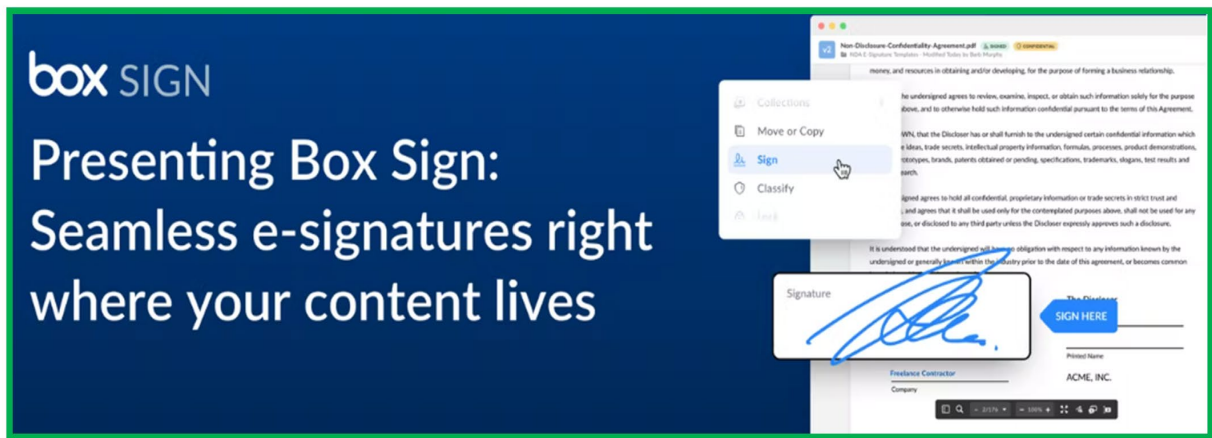
Source: <https://blog.box.com/how-to-create-an-electronic-signature>

Signing electronically in the Content Cloud doesn't mean sacrificing security or compliance. Box is the only cloud platform that brings you secure, compliant signatures — while also letting you define one information security and governance policy for business-critical documents like sales contracts and offer letters. Plus, the Content Cloud helps you manage the entire process, from authoring agreements to getting signatures to retaining executed agreements.

Source: <https://www.box.com/esignature>

If you already have a paper or electronic document that needs signing, you can scan or upload it — which is easy with Box. Simply drag and drop your file into Box (or scan it in over our mobile app), open the file, select yourself as the person signing, sign it, and choose where you want to save the request. You can also add any fields not present in the original document, like checkboxes and explanatory text.

Source: <https://blog.box.com/how-to-create-an-electronic-signature>

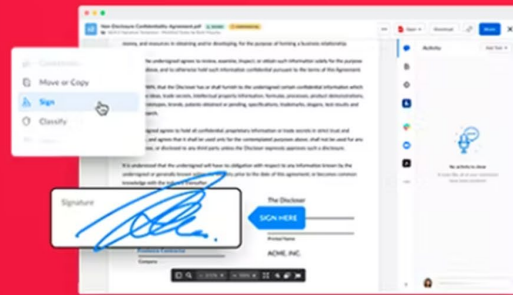


Source: <https://blog.box.com/BoxSign>

16. The Product includes a module generating assembly structured to receive at least one verification data element corresponding to at least one entity and create said at least one digital identification module. For example, the Product includes a module generating assembly structured to receive at least one verification data element corresponding to at least one entity (e.g., a user has a unique login ID and password for accessing and verifying the account for e-signing the documents). The module generating assembly is also structured to create at least one digital identification module (e.g., creating an e-signature of a user). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

Just about anyone else can e-sign a document, whether they're inside or outside your organization, and regardless of whether they have a Box account. Generating these requests is similar to signing a document yourself, except you'll select "Me and others" or "Only others." You can then add the recipients, including people who need to approve the document or simply receive a signed copy of it. Complete this step by assigning roles to your recipients when you add them.

If you've been sent a document for signing through Box, open the link from your email, accept the terms and conditions, and e-sign it



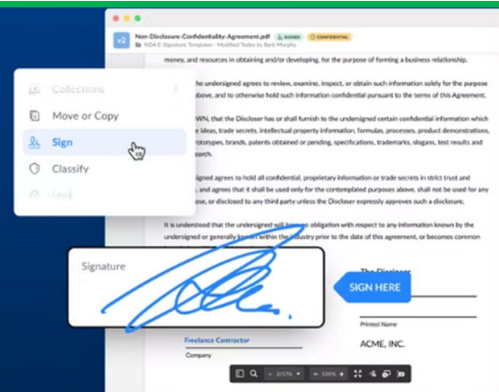
Source: <https://blog.box.com/how-to-create-an-electronic-signature>

It's possible to create electronic signatures in a few different ways, and if you're already using Box, you can both sign and request e-signatures without leaving the context of your content.. With **Box Sign**, creating an e-signature request is as easy as adding signature fields, designating who's signing, and sharing or saving the document. You can then request an e-signature from just about anyone with an email address, regardless of whether or not they are a Box user.

Source: <https://blog.box.com/how-to-create-an-electronic-signature>

box SIGN

**Presenting Box Sign:
Seamless e-signatures right
where your content lives**



Source: <https://blog.box.com/BoxSign>

17. at least one digital identification module is disposable within at least one electronic file. (e.g., a user can store the e-signature within a document such as a “Bill of Landing” or in a PDF, Word doc, image file, etc.). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

It's possible to create electronic signatures in a few different ways, and if you're already using Box, you can both sign and request e-signatures without leaving the context of your content.. With [Box Sign](#), creating an e-signature request is as easy as adding signature fields, designating who's signing, and sharing or saving the document. You can then request an e-signature from just about anyone with an email address, regardless of whether or not they are a Box user.

Source: <https://blog.box.com/how-to-create-an-electronic-signature>

Key features

Unlimited e-signatures

Send unlimited documents for signature from the Box web application (for Business plans and above).

Access from any device

Sign documents on desktop or mobile — no Box account required. Plus, Box Sign works with 40+ file types.

E-sign workflows

Handle complex workflows with serial and parallel document routing, along with a variety of recipient roles.

E-sign templates

Standardize fields and create reusable templates for repeatable processes.

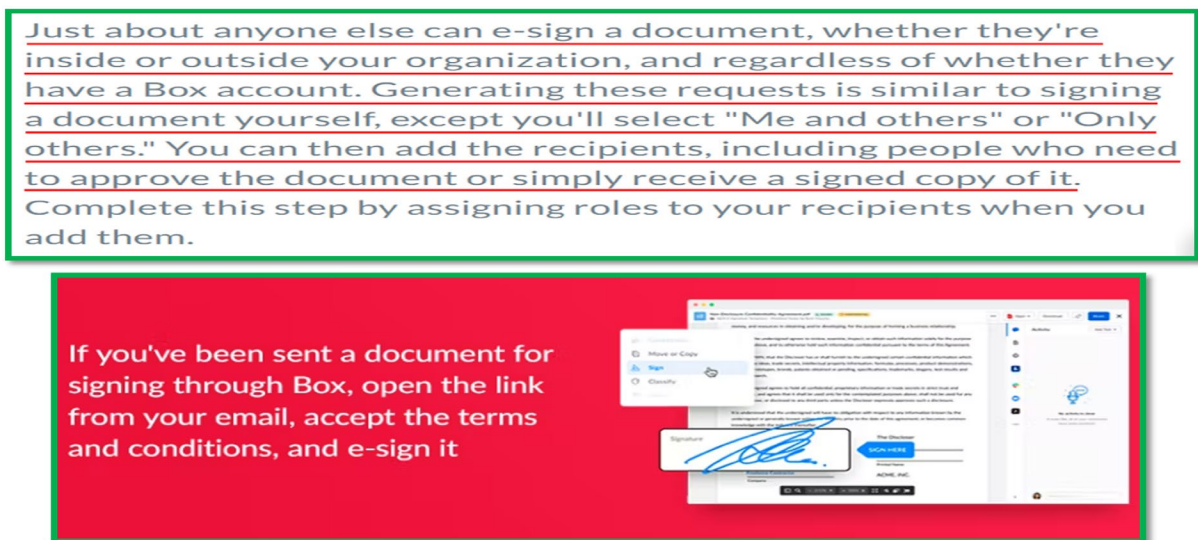
Source: <https://www.box.com/esignature>

With the right e-sign platform, you can add this capability to most document, presentation, and text-based files, as well as some image files. The types of documents you can e-sign with Box include:

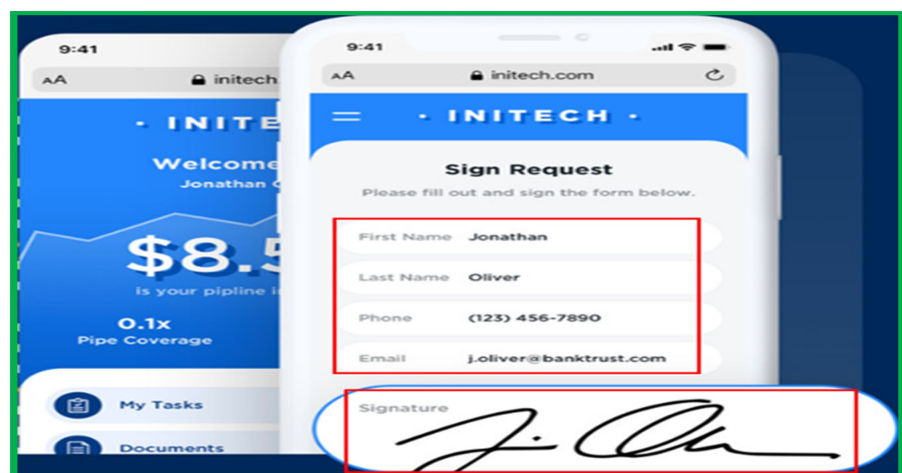
- DOC and DOCX
- PDF
- XLS, XLSM, and XLSX
- PPT and PPTX
- PNG
- JPEG
- TXT

Source: <https://blog.box.com/how-to-create-an-electronic-signature>

18. at least one digital identification module includes at least one primary component structured to associate the digital identification module at least partially with at least one entity. For example, an e-signature of a user is associated with user information including username, date, etc. to associate the digital identification module at least partially with at least one entity (e.g., an e-signature is associated with a user). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.



Source: <https://blog.box.com/how-to-create-an-electronic-signature>



Source: <https://www.box.com/esignature>

19. at least one digital identification module is cooperatively structured to be embedded within only a single electronic file. For example, the module (e-signature) is stored within a single file (such as a PDF, Word doc, image file, etc.). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

It's possible to create electronic signatures in a few different ways, and if you're already using Box, you can both sign and request e-signatures without leaving the context of your content.. With **Box Sign**, creating an e-signature request is as easy as adding signature fields, designating who's signing, and sharing or saving the document. You can then request an e-signature from just about anyone with an email address, regardless of whether or not they are a Box user.

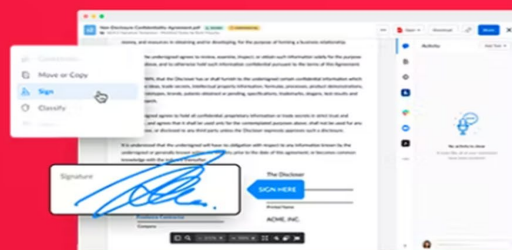
Source: <https://blog.box.com/how-to-create-an-electronic-signature>



Source: <https://blog.box.com/BoxSign>

Just about anyone else can e-sign a document, whether they're inside or outside your organization, and regardless of whether they have a Box account. Generating these requests is similar to signing a document yourself, except you'll select "Me and others" or "Only others." You can then add the recipients, including people who need to approve the document or simply receive a signed copy of it. Complete this step by assigning roles to your recipients when you add them.

If you've been sent a document for signing through Box, open the link from your email, accept the terms and conditions, and e-sign it



Source: <https://blog.box.com/how-to-create-an-electronic-signature>

When you subscribe to any Box plan (Business or above), you can send unlimited documents for signature from the Box web app. Box Sign puts e-signatures right where your content lives, powering an easy, seamless signing experience right in the Content Cloud. Stop paying for e-signatures per document or user, and empower your entire organization with unlimited e-signatures for every Box user, at no added cost.

Source: <https://www.box.com/esignature>

With the right e-sign platform, you can add this capability to most document, presentation, and text-based files, as well as some image files. The types of documents you can e-sign with Box include:

- DOC and DOCX
- PDF
- XLS, XLSM, and XLSX
- PPT and PPTX
- PNG
- JPEG
- TXT

Source: <https://blog.box.com/how-to-create-an-electronic-signature>

20. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

21. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

22. Plaintiff is in compliance with 35 U.S.C. § 287.

DEMAND FOR JURY TRIAL

23. Rothschild Broadcast Distribution Systems, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 9,054,860 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

(c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

(d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: May 23, 2022.

Respectfully submitted,

/s/ Jay Johnson

JAY JOHNSON

State Bar No. 24067322

D. BRADLEY KIZZIA

State Bar No. 11547550

KIZZIA JOHNSON, PLLC

1910 Pacific Ave., Suite 13000

Dallas, Texas 75201

(214) 451-0164

Fax: (214) 451-0165

jay@kjpllc.com

bkizzia@kjpllc.com

ATTORNEYS FOR PLAINTIFF